

**REMARKS**

This paper is submitted in reply to the Office Action dated January 10, 2005. Since April 10, 2005 is a Sunday, the period for response extends up to and includes April 11, 2005, and this paper is timely filed within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1-4, 6-7, 12, 15, 23- 24, 29-30, 32-33 and 36-38 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,125,390 to Touboul, while claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Touboul in view of U.S. Patent No. 6,151,688 to Wipfel et al. and claims 17, 19-22 and 34-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wipfel et al. in view of U.S. Patent No. 6,662,219 to Nishanov et al. The Examiner, did indicate, however, that claims 5, 8-11, 14, 16, 25-28, 31 and 39 were directed to patentable subject matter.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have canceled claims 13 and 39 and amended claims 1, 15, 17, 23-24, 30, 34 and 36. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Specifically, independent claim 1 has been amended to incorporate the subject matter of objected-to claim 39, which claims 13 and 39 have been canceled for consistency therewith. As the Examiner previously found claim 39 to be allowable over the prior art, reconsideration and allowance of claim 1, as well as of claims 2-4 and 6-12 which depend therefrom, are respectfully requested.

Next, each of independent claims 15, 17, 24, 34 and 36 has been amended in a similar manner to claim 1, and now recite to varying extents the general concept of receiving a notification from a cluster node to be restarted and making a selection or determination of which among a plurality of other cluster nodes that receive the notification should be used to initiate a restart of that node. Also, claim 23 has been

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amended to depend from claim 17, while claim 30 has been amended to depend from claim 25.

Applicants respectfully submit that none of the art cited by the Examiner, specifically Touboul, Wipfel et al. and Nishanov et al., discloses or suggests this combination of features.

Specifically, Touboul does not disclose clustering or clustered computer systems, much less the concept of selecting a cluster node from among a plurality of cluster nodes to initiate a restart of another cluster node. Touboul discloses, at the most, a network management application that receives errors from distributed agents to initiate corrective activities (including restarts) of workstations attached to a network. A management application and workstation agents, however, do not correspond to nodes of a cluster, nor to members of a cluster group. In addition, Touboul discloses a single network management application that handles management activities, so there is no forwarding of requests to multiple nodes or entities, nor is there any selection or determination from among the multiple nodes or other entities as to which of several nodes or entities should be used to initiate a restart.

Wipfel et al. does disclose clustering; however, as with Touboul, the reference fails to disclose or suggest selecting a cluster node from among a plurality of cluster nodes in response to a notification to initiate a restart of another cluster node. In rejecting claim 13, the Examiner relies on Fig. 1 and col. 12, lines 21-31 of Wipfel et al. for allegedly disclosing the selection of a member from a plurality of members to initiate a restart of a node; however, Applicants can find no such relevant teaching in the cited passage. The cited passage in fact teaches away from any such selection, as the passage discloses the concept of allowing a specific probing node to monitor another node and determine whether that node has failed. If so, the probing node is able to initiate a reboot of the failed node. There is thus no notification sent by the failing node to multiple nodes, nor any determination or selection that is made to select the probing node from among the other nodes in response to any type of notification.

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Nishanov et al., and specifically col. 7, line 8-12 thereof, is cited for disclosing the issuance of a request to a cluster group to provide a notification of a node failure. It is important to note, however, that the notification provided in Nishanov et al. is from a different node from one that is failing. As with the other references, Nishanov et al. fails to disclose the selection, in response to a notification from a failing node, of a node from among multiple nodes to initiate a restart of the failing node.

Applicants therefore respectfully submit that none of the prior art of record, alone or in combination, discloses or suggests the various features of any of independent claims 15, 17, 24, 34 and 36. Each of these claims is therefore novel and non-obvious over the prior art of record. Reconsideration and allowance of claims 15, 17, 24, 34 and 36, as well as of claims 19-23, 29, 32-33, 35 and 37-38 which depend therefrom, are respectfully requested.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

11 APR 2005  
Date

  
Scott A. Stinebruner  
Reg. No. 38,323  
WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

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